IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Patent Application No. 10/589,296

Applicant: Peter Schramm

Filed: August 14, 2006

TC/AU: 2625

Examiner: RAMOS, JAVIER J.

Docket No.: 253561 (Client Reference No. MR01357)

Customer No.: 23460

APPELLANTS' APPEAL BRIEF

Mail Stop Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In support of the appeal from the final rejection dated August 25, 2008, Appellants now submit their Brief.

Real Party in Interest

The patent application that is the subject of this appeal is assigned to MANROLAND AG.

Related Appeals and Interferences

There are no other appeals or interferences that are related to this appeal.

MAILING/TRANSMISSION CERTIFICATE UNDER 37 CFR 1.8 OR 1.10			
I hereby certify that this document and all accompanying documents are, on the date indicated below, being ☐ deposited with the U.S. Postal Service using "Express Mail" service in an envelope addressed in the same manner indicated on this document with Express Mail Label Number , ☒ deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed in the same manner indicated on this document, or ☐ facsimile transmitted to the U.S. Patent and Trademark Office at fax number: (571) 273-8300.			
Name (Print/Type)	Phillip Pippenger		
Signature		*Date*	April 27, 2009

Status of Claims

Claims 8-14 are pending, have been rejected, and are herewith appealed. Claims 1-7 were previously cancelled, are not pending, and are not appealed.

Status of Amendments

There are no outstanding amendments, i.e., there are no amendments that have been submitted but not entered.

Summary of Claimed Subject Matter

Claim 8, the only independent claim, pertains to a method for color correction in printing machines, and includes first the step of executing singly and serially for individual process colors involved in an autotype combination printing (1) changing only the color supply of a single process color (*see* Abstract, [0015], and FIG. 1 stage 12)), (2) determining the effect of the change in the color supply of this one process color on color values of a color spot to be measured (*see* Abstract, [0015], and FIG. 1 stage 13), and (3) storing a corresponding color spot for this color (*see* Abstract, [0015], and FIG. 1 stage 14). Subsequently, all of the measured and stored values are balanced with each other so that for further color correction, multiple process colors involved in the printing can be adjusted simultaneously. (*see* Abstract, [0018], and FIG. 1 stage 16)

Claim 11 is a dependent claim that incorporates all limitations of claim 8. Similarly, claims 13 and 14 are dependent claims that incorporate all limitations of claim 8.

Grounds of Rejection to be reviewed on Appeal

The grounds of rejection to be reviewed on appeal are as follows:

(1) Claims 8-10 and 12 were rejected under 35 U.S.C. 103(a) as being unpatentable over Brunner US 5,031,534, in view of Soler US 2003/0030828.

(2) Claim 11 was rejected under 35 U.S.C. 103(a) as being unpatentable over Bruner in view of Soler as applied to claim 8 further in view of Fujimori US 6,181,892.

(3) Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brunner in view of Soler as applied to claim 8 further in view of Dolezalek (US 4,901,254).

Argument

(1) Rejection of claims 8-10 and 12 under 35 U.S.C. 103(a) over Brunner in view of Soler

It should be noted that the grounds of rejection changed in the Advisory Action. In particular, the Final Action alleged that the recited limitations were missing from the claims, whereas the Advisory Actions admits that the limitations in question are, in fact, expressly set forth in the claims. The Advisory Action then alleges, for the first time, that an entirely different section of Brunner teaches these limitations. Applicants are thus addressing this new ground of rejection for the first time on appeal, without having had an opportunity to address it during prosecution. Any inconvenience that this state of affairs causes is properly attributable to the actions of the Examiner, not the applicant.

Claim 8 is the only pending independent claim, and is reproduced below for convenient reference:

> A method for color correction in printing machines, comprising:
>
> (a) executing separately ***one after the other for individual process colors*** involved in an autotype combination printing; ***changing only the color supply of a single process color***; determining the effect of the change in the color supply of ***this one process color*** on color values of a color spot to be measured; and
>
> storing a corresponding color spot for this color;
>
> (b) balancing all of the measurement values determined and stored in step (a) with each other so that for further color correction, a ***few or all of the process colors involved in the printing can be adjusted simultaneously***.

As can readily be seen, the purpose and effect of the present invention can be summarized as follows. Initially it determines "the effect of the change in the color supply of ... ***one*** process color on color values of a color spot to be measured." This can be done by "***changing only the color supply of a single process color***," this being done "separately ***one after the other for individual process colors***" and "determining the effect of the change in the color supply of this one process color on color values of a color spot to be measured."

After this behavior measurement, "all of the measurement values determined and stored" are balanced. After the measurements are "balanced," the ink feeds can be controlled in combination to achieve a desired effect while printing all colors during a print run, i.e. "a few or all of the process colors involved in the printing can be adjusted ***simultaneously***."

On the other hand, Bruner teaches one to find correlations between data from measurement in solid color fields and dotted or screened fields (see Abstract). In dotted or screened color fields, there is a "dot gain" while printing, so that the dots can increase as printing proceeds. From this and other data, the ink feeds are controlled. This does not relate to the invention of the present application wherein ink feeding is controlled by a specific method wherein specific colors are measured one by one while changing the ink feed of only that color. The controlling of all colors together ("...few or all of the process colors ... can be adjusted ***simultaneously.***") takes place only after this crucial stage (printing each color separately, see above), when the data of the single color variations are compared (balanced) and the colors may be controlled in combination (few or all simultaneously) due to mapped similarities (balancing).

In the Advisory Action, the Examiner points to the Brunner Background section as teaching the limitations related to tuning colors singly. However, this newly cited portion of Brunner still fails to make the requisite teachings. The cited section of Brunner (col. 2, lines 12-25 and 51-57) is reproduced as follows:

> The operator of the machine must ... change the one easily influenced printing parameter, namely the feeding of the inks to the individual color areas, by controlling the adjusters (ink valves, area screws, or the like) so that in each individual color area the one or the other of the solid color density/dot gain binary values comes substantially close to the corresponding specification. This is indeed possible in most cases, but it involves some effort, since after each change he makes in an adjuster, the operator must wait for several hundred impressions until the new ink feed has stabilized. .... Any change made in this manner in any other printing parameter, i.e., one not relating to the feeding of ink to the color areas is, as a general rule, bound up with the necessity of running again, one or more times, through the above-described process steps for every printing ink and color area involved, until at last the achievement of the print specification is assured.

Perhaps because the claims at issue require changing only one color feed at a time, the Examiner has assumed that this section of Brunner is also discussing the changing of only one color feed at a time. However, nothing in this cited section or in the rest of Brunner supports this assumption. True, each color is changed, but Brunner does not indicate that

such changes take place ***one at a time***. If there is anything in the above quote to indicate that adjustments occur ***singly*** rather than in multiples, the Examiner is requested to specifically identify and explain that teaching.

In short, by way of independent claim 8, the claims require:

(1) "***changing only the color supply of a single process color***,"

(2) "separately ***one after the other for individual process colors***" and

(3) "determining the effect of the change in the color supply of ***this one process color*** on color values of a color spot to be measured."

In summary, although Brunner was cited as teaching each and every one of these limitations, Brunner does not in fact teach *any* of them. In particular, as noted above, Brunner makes no mention of serial adjustments of single ink feeds. Thus, it is respectfully submitted that claim 8 is patentable over the cited art, whether taken singly or in combination. Moreover, it is submitted that claims 9-10, and 12, being dependent from claim 8, are patentable for at least the same reasons.

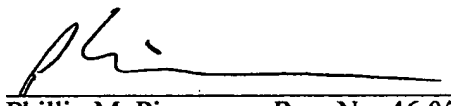
(2) Rejection of claim 11 under 35 U.S.C. 103(a) over Bruner, Soler and Fujimori

Because claim 11 is dependent from claim 8, claim 11 is believed to be patentable for at least the same reasons as claim 8.

(3) Rejection of claims 13 and 14 under 35 U.S.C. 103(a) over Brunner, Soler and Dolezalek

Because claims 13 and 14 are dependent from claim 8, they are believed to be patentable for at least the same reasons as claim 8.

Respectfully submitted,



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Claims Appendix

Claims 1-7 (Cancelled)

8. (Previously Presented) A method for color correction in printing machines, comprising:

(a) executing separately one after the other for individual process colors involved in an autotype combination printing; changing only the color supply of a single process color; determining the effect of the change in the color supply of this one process color on color values of a color spot to be measured; and

storing a corresponding color spot for this color;

(b) balancing all of the measurement values determined and stored in step (a) with each other so that for further color correction, a few or all of the process colors involved in the printing can be adjusted simultaneously.

9. (Previously Presented) A method according to claim 8, wherein during the printing at least one color spot is measured, wherein for this measurement at least one actual chromaticity position is determined, and that the actual chromaticity position or each actual chromaticity position is compared with a corresponding desired chromaticity position, wherein the color correction is performed when the actual chromaticity position deviates from the corresponding desired chromaticity position.

10. (Previously Presented) The method according to claim 8, wherein for determining the measurement values of the chromaticity position or each chromaticity position, control waits in step a) until a balanced state has been reached after a color supply of the corresponding color to be printed has been changed.

11. (Previously Presented) A method according to claim 8, wherein for determining the measurement values of the chromaticity position or each chromaticity position in step a), at least one value is measured after a certain time period or at certain time intervals and control locks the changing balanced state through extrapolation.

12. (Previously Presented) A method according to claim 8, wherein in step (a), for each process color to be printed, the effect of the isolated change in a color supply of each

process color on the chromaticity position of the color spot to be measured, is measured separately one after the other in time.

13. (Previously Presented) A method according to claim 12, wherein it is determined how the corresponding chromaticity position shifts when changing the color supply of each process color, and that the magnitude and direction of a color vector are determined from the chromaticity positions before the color change and after the color change.

14. (Previously Presented) A method according to claim 8, wherein the determined and stored measurement values according to step (b) are balanced through vector operations.

Evidence Appendix

NONE

Related Proceedings Appendix

NONE